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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,606	07/19/2000	MOTOHIKO SAKAMAKI	106794	1441

25944 7590 12/17/2002

OLIFF & BERRIDGE, PLC
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ALEXANDRIA, VA 22320

EXAMINER

DUONG, THOI V

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,606

Applicant(s)

SAKAMAKI ET AL.

Examiner

Thoi V Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 20 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota et al. (USPN 3,870,517).

As shown in Figs. 1a, 1b, and 5-7, Ota discloses a method for manufacturing an image displaying medium comprising the steps of:

providing plural colorant particles 6a, 6b, and 6c on at least one of a first flat substrate 4 and a second flat substrate 5 (col. 2, lines 58-63) and providing a spacer member 41 to maintain a distance between two substrates; and

arranging the colorant particles and the spacer member between the first substrate and the second substrate by fixing the spacer member, the first substrate and the second substrate,

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wherein the spacer member has a mesh-like configuration and no colorant particles appear on an upper surface of the spacer member; and

wherein a suspensive layer (item 2 in Figs. 1a and 1b, item 22 in Figs. 5 and 7) having the plural colorant particles and the spacer member (col. 11, lines 36-45) is transferred to an intermediate transfer material, and then transferred from the intermediate transfer material to the first substrate (item 8 in Fig. 7) to be provided thereon as shown in Fig. 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al. in view of DePalma et al. (USPN 5,558,977).

Ota discloses a method for manufacturing an image displaying medium that is basically the same as that recited in claims 5 and 8 except for using a mask having a desired pattern for colorant particles. DePalma discloses that an imagewise pattern may also be formed with colorant particles in a solid imaging element by establishing a density differential between image and non-image areas. DePalma also discloses that, in an image process known as "laser toner fusion", after a toner layer formed of toner particles is made on a substrate, a non-imaged toner is removed (col. 9, lines 35-64). Thus, it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the method for manufacturing an image displaying medium of Ota with the teaching of DePalma by employing a mask on one of the substrates so as to obtain a coloring agent particle layer with a desired pattern.

6. Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al. in view of Albert (USPN 6,392,786 B1).

Ota discloses a method for manufacturing an image displaying medium that is basically the same as that recited in claims 9, 10, 12, and 13 except for the material of the spacers. As shown in Figs 1, 2, and 3, Albert discloses an image displaying medium comprising a spacer member 118 (or 218 or 318) formed of any material capable of providing the necessary stress relief, for example a flexible polymer such as polyethylene (col. 3, lines 50-67). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method for manufacturing an image displaying medium of Ota with the teaching of Albert by having the space member formed of a resin or an elastic material so as to provide a necessary stress relief when the pressure is applied to the medium.

7. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al. in view of DePalma et al. as applied to claims 5 and 8 above and further in view of Albert (USPN 6,392,786 B1).

The method for manufacturing an image displaying medium as modified in view of DePalma as applied to claims 5 and 8 above includes all that is recited in claims 11 and 14 except for the material of the spacers. As shown in Figs 1, 2, and 3, Albert discloses an image displaying medium comprising a spacer member 118 (or 218 or

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318) formed of any material capable of providing the necessary stress relief, for example a flexible polymer such as polyethylene (col. 3, lines 50-67). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method for manufacturing an image displaying medium of Ota with the teaching of Albert by having the space member formed of a resin or an elastic material so as to provide a necessary stress relief when the pressure is applied to the medium.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong



12/05/2002



ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000